

---

**Development and Legislative Services**

**Planning Division Report**

March 8, 2024

Secretary-Treasurer  
Port Colborne Committee of Adjustment  
66 Charlotte Street  
Port Colborne, ON L3K 3C8

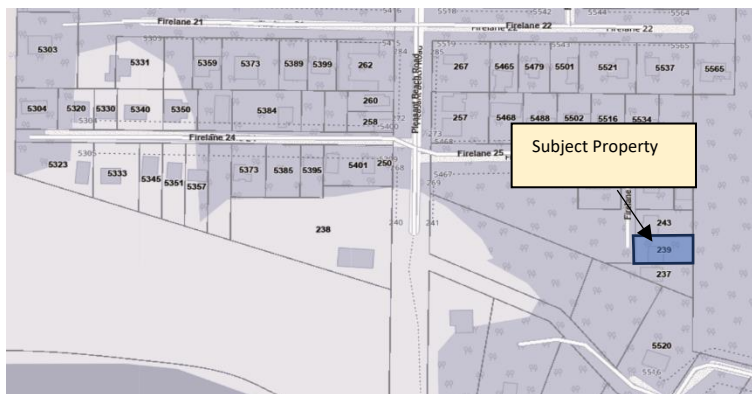
**Re: Application for Minor Variance A01-24-PC**  
**239 Firelane 26**  
**Lot 18 Plan 41**  
**Agent: N/A**  
**Owner(s): Ron and Susan Webb**

**Proposal:**

The purpose and effect of this application is to permit a reduced front yard setback of 5.16m where 10m is required, a reduced interior side yard setback of 1.8m where 4m is required and an increased lot coverage of 28% where 15% is permitted. The variances are being requested to facilitate the re-construction of a detached dwelling.

**Surrounding Land Uses and Zoning:**

The parcels surrounding the subject lands are zoned Rural Residential to the north and south and Rural to the east and west. The surrounding uses consist of single detached dwellings to the north, east and south, with an apartment to the west.



**Official Plan:**

The subject property is designated as Rural in the City's Official Plan. Residential uses are permitted under this designation.

**Zoning:**

The subject property is zoned Rural Residential (RR) in accordance with Zoning By-Law 6575/30/18. Residential uses are permitted within this zone.

## **Environmentally Sensitive Areas:**

The subject property is adjacent to a Provincially Significant Wetland. The Official Plan protects the ecological, hydrological, social, and economic benefits associated with these wetlands areas in accordance with the policies of the Provincial Policy Statement and in collaboration with the Region and the Niagara Peninsula Conservation Authority. An Environmental Impact Study is required for new development on adjacent lands within 120 m of a wetland boundary, according to the OP, to demonstrate that there will be no negative impacts to the feature to the satisfaction of the Niagara Region.

Due to the nature of the proposal, the EIS requirement was scoped to recommend Best Management Practices and Erosion and Sediment Control fencing during construction, due to the proposal being minor and not anticipated to have negative impacts on the feature. Regional Staff concur and have provided fulsome comments which have been summarized below and included in the Agenda Package.

## **Public Comments:**

Notice was circulated on February 28<sup>th</sup>, 2024, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of March 8<sup>th</sup>, 2024, the following has been received.

Jason Cardwell and Ingrid Copland – 237 Firelane 26 (Full comments in Agenda Package)

The resident has concerns about the placement of operating apparatus in the side yard abutting their property, would like the request that the current grading of the subject lands remain the same and concerns regarding disturbances during construction.

## Staff Response

The current Zoning By-law has provisions for operating apparatus, permitting them in side and rear yards provided they remain 0.6m from the property line. They are also permitted in the front yard, provided they are not further than 0.5m from the front wall of the dwelling. If this requirement is met, Planning Staff will have no concerns. Staff cannot guarantee that the grading of the land will remain the same, however, the applicant is reminded that all drainage must not negatively impact adjacent properties and a functioning grading plan will be required at the time of the building permit. Finally, the Building Department can be contacted for any nuisances that may arise during construction however, certain levels of noise and vibration may be considered acceptable during the daytime working hours.

## **Agency Comments:**

Notice was circulated on February 13<sup>th</sup>, 2024, to internal staff and agencies. As of March 8<sup>th</sup>, 2024, the following has been received.

## Drainage Superintendent

There are no comments regarding municipal drains.

## Fire Department

Port Colborne Fire has no objection to the proposed application.

Development Services Supervisor

Engineering has no comments on the proposed application.

Niagara Region (Full comments included in Agenda Package)

Regional Growth Strategy and Economic Development staff are satisfied that the proposed Minor Variance application is consistent with the Provincial Policy Statement and conforms to Provincial and Regional policies.

NPCA (Full comments included in Agenda Package)

Due to the scope, nature, and location of the addition, the NPCA offers support for the proposed addition as the area is currently lawn, and no vegetation is proposed to be removed. An NPCA work permit will be required for the proposed addition and NPCA approval will also be required for any future development on the subject property.

**Planning Act – Four Tests:**

In order for a Minor Variance to be approved, it must meet the four-part test as outlined under Section 45 (1) of the Planning Act. These four tests are listed and analyzed below.

***Is the application minor in nature?***

The requested variances are considered minor in nature. The reduced front yard setback addresses an existing setback and no construction is proposed that would increase the existing encroachment. Staff note that much of the existing footprint is to be retained and the existing footprint is denoted by the dotted lines on the sketch attached as Appendix A. The reduced interior side yard setback is considered to be a minor reduction from the required 4m. Staff are satisfied that adequate spacing will be maintained between the neighboring dwellings. The increased lot coverage does not contribute to the overdevelopment of the site as the dwelling can still be adequately placed on the lot, parking can be provided in front of the dwelling, there is ample amenity space in the rear yard and the massing of the dwelling is consistent with the surrounding area.

***Is it desirable for the appropriate development or use of the land, building, or structure?***

The proposal is desirable for the development of the site. Staff recognize that the lots in this area are small and may result in difficulties meeting the zoning requirements when structures are expanded or constructed. Staff are satisfied that the proposed dwelling is consistent with the dwellings in the surrounding area and does not contribute to the over-development of the site.

***Is it in keeping with the general intent and purpose of the Zoning By-law?***

The requested variance is in keeping with the general intent and purpose of Zoning Bylaw 6575/30/18. The side yard requirement intends to ensure adequate spacing between dwellings. The front yard setback intends to ensure parking and amenity space is provided, while maintaining a non-imposing view from the street. Finally, the lot coverage requirement intends to ensure that the property is not overdeveloped. Staff are satisfied that the intent of these zoning requirements is maintained as the proposed dwelling maintains an adequate distance from the neighbours, The front yard setback addresses a currently existing setback, and the proposal is not considered to be over development of the site.

***Is it in keeping with the general intent and purpose of the Official Plan?***

The subject property is in keeping with the general intent and purpose of the City of Port Colborne Official Plan, as the Rural designation permits residential uses. The proposed development and Minor Variance application appear to be consistent with the scale of developments in the neighbourhood and is in keeping with the nature of the community. In this instance, the requested variances would align with the general intent and purpose of the Official Plan.

**Recommendation:**

Given the information above, Planning Staff recommends application A01-24-PC be **granted** for the following reasons:

- 1. The application is minor in nature.**
- 2. It is appropriate for the development of the site.**
- 3. It is desirable and in compliance with the general intent and purpose of the Zoning By-Law.**
- 4. It is desirable and in compliance with the general intent and purpose of the Official Plan.**

Prepared by,



Chris Roome, BURPI  
Planner

Submitted by,



Denise Landry, MCIP, RPP  
Chief Planner

## Appendix A

PLAN  
LOT 107  
96  
000

